

Sixth Appellate District

San Jose, California

MONDAY, AUGUST 11, 2008

H032683 CANDICE S. v. SUPERIOR COURT; RYAN T.

Let a peremptory writ of mandate issue directing respondent court to vacate the February 29, 2008 order issued on petitioner Candice S.'s application for an order to show cause regarding the application of the clergy-penitent privilege and to enter a new order finding that the clergy-penitent privilege does not apply to any communications made by her or Ryan T. in a meeting with Jehovah's Witnesses elders at which third persons were present. This opinion is made final as to this court seven days from the date of filing. (Cal. Rules of Court, rule 8.264(b)(3).) Each party is to bear its own costs in this original proceeding. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed August 11, 2008

TUESDAY, AUGUST 12, 2008

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Mihara, Acting P.J.; McAdams, J.; Duffy, J.; and S. Nasson, Deputy Clerk.

H032030 PEOPLE v. YBARRA

Cause called and argued by Richard Holly appearing for Appellant and by Allan Yannow, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H031192 PEOPLE v. MARTINEZ

Cause called and argued by Dallas Sacher appearing for Appellant and by Aileen Bunney, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H031444 LAW OFFICES OF ANN KOO v. MAX GROUP CORPORATION, et al.  
Cause ordered submitted.

H030999 MANGANO v. VERITY, INC., et al.

H031234 MANGANO v. VERITY, INC., et al.

Cause called and argued by Daniel Smith appearing for Appellant and by Steven Friedlander appearing for Respondents. Cause ordered submitted. Court is in recess until the 1:30 p.m. calendar.

Sixth Appellate District

San Jose, California

Tuesday, August 12, 2008 (continued)

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; McAdams, J.; and Jane Valdez Flor, Deputy Clerk.

H031380 PEOPLE v. FOUSEK

Cause called and argued by Tutti Hacking appearing for Appellant and by Brent Wilner, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H031290 PEOPLE v. BOWER

Cause called and argued by Sara Ann Zalkin appearing for Appellant and by Donna Provenzano, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H029612 NACIANCENO v. LOZADA, et al.

Cause called and argued by James Braden, and Nicolas De Lancie appearing for Appellants and by Matthew A. Crosby appearing for Respondent. Cause ordered submitted. Court is adjourned.

WEDNESDAY, AUGUST 13, 2008

H032316 PEOPLE v. SCOTT

The judgment is affirmed. (not published)  
(Premo, Acting P.J.; We concur: Elia, J., Bamattre-Manoukian, J.)  
Filed August 13, 2008

H032652 PEOPLE v. MORENO

The judgment is affirmed. (not published)  
(Duffy, J.; We concur: Rushing, P.J., Premo, J.)  
Filed August 13, 2008

H031819 PEOPLE v. LOPEZ

By the Court\*:

Appellant's petition for rehearing is denied.  
Filed: August 13, 2008  
\*Before Rushing, P.J., McAdams, J. and Duffy, J.

H031844 PEOPLE v. DAWSON

The order is affirmed. (not published)  
(Rushing, P.J.; We concur: Elia, J., Bamattre-Manoukian, J.)  
Filed August 13, 2008

Sixth Appellate District

San Jose, California

Wednesday, August 13, 2008 (continued)

H032410 PEOPLE v. KARIM F.

The juvenile court is directed to modify its dispositional order to state that the maximum time of confinement for the offenses found by it is seven years. As so modified, the judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed August 13, 2008

H031778 PEOPLE v. VASSER

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Elia, J., Bamattre-Manoukian, J.)

Filed August 13, 2008

H030770 PEOPLE v. KHENSOKVANN, et al.

The judgment is modified to strike the restitution order in the amount of \$24,650 as to Lour. As modified, the judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed August 13, 2008

H031095 PEOPLE v. JOHNSON

The appeal is dismissed. (not published)

(Rushing, P.J.; We concur: Premo, J., Mihara, J.)

Filed August 13, 2008

THURSDAY, AUGUST 14, 2008

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and Jane Valdez Flor, Deputy Clerk.

H031351 PEOPLE v. MONTEVERDE

Cause called and argued by Elisa Rene Nadeau appearing for Appellant and by Sharon G. Birenbaum, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H031801 PEOPLE v. BERRING

Cause called and argued by Julia K. Freis appearing for Appellant and by Allen R. Crown, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H031226 CITY OF SAN JOSE v. AMBLER, etc.; WYLE

Cause called and argued by Colleen Dee Winchester appearing for Appellant and by Thomas P. Murphy appearing for respondent Frederick S. Wyle, and by Matthew Todd Schechter appearing for respondent Sutter's Place, Inc. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Thursday, August 14, 2008 (continued)

Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; Duffy, J.; and W. Magsaysay, Deputy Clerk.

H031288 QAD, INC. v. SUBRAMANIAN

Cause called and argued by Mani Subramanian, appellant appearing in propria persona, by William D. Connell appearing for Respondent Qad, Inc., et al., and by Frederick Fields appearing for Respondent Arthur Andersen LLP. Cause ordered submitted.

Mihara, J. then leaves the bench. McAdams, J., thereafter joins the panel.

H031468 SPINKS v. EQUITY RESIDENTIAL BRIARWOOD APARTMENTS

Cause called and argued by Leah Hess appearing for Appellant and by Roger Classen appearing for Respondent. Cause ordered submitted. Court adjourns.

H031391 PEOPLE v. KLEDER

The judgment is affirmed. (not published)  
(Premo, Acting P.J.; We concur: Elia, J., Bamattre-Manoukian, J.)  
Filed August 14, 2008

H032457 PEOPLE v. CALDERON

The clerk of the superior court is directed to modify the minute order and the abstract of judgment to reflect the imposition of a \$600 restitution fine and a \$600 parole revocation restitution fine, pursuant to Penal Code sections 1202.4 and 1202.45. The clerk is to then forward a copy of the amended abstract of judgment to the California Department of Corrections. As amended, the judgment is affirmed. (not published)  
(McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)  
Filed August 14, 2008

H032261 PEOPLE v. SANCHEZ

The judgment is affirmed. (not published)  
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)  
Filed August 14, 2008

Sixth Appellate District

San Jose, California

Thursday, August 14, 2008 (continued)

H029771 TRAVIS, et al. v. COUNTY OF SANTA CRUZ

By the Court:

On the court's own motion, the submission order in the above-entitled matter dated July 30, 2008, is hereby vacated. The court by separate letter issued August 12, 2008, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.

Dated: August 14, 2008 Bamattre-Manoukian, Acting P.J.

H031887 PEOPLE v. LANGHORNE

The July 27, 2007, order imposing an indeterminate term of commitment as an SVP is reversed. (not published)

(Elia, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed August 14, 2008

H031890 PEOPLE v. STEPHENS

The July 27, 2007, order imposing an indeterminate term of commitment as an SVP is reversed. (not published)

(Elia, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed August 14, 2008

H031874 PEOPLE v. ROBINSON

The July 27, 2007, order imposing an indeterminate term of commitment as an SVP is reversed. (not published)

(Elia, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed August 14, 2008

FRIDAY, AUGUST 15, 2008

H032718 PEOPLE v. MIRELES

The judgment is affirmed. (not published)

(Duffy, J.; We concur: Elia, Acting P.J., Bamattre-Manoukian, J.)

Filed August 15, 2008

H031329 MARASH v. WHITMAN

To the extent the trial court's order imputed income to Zachary based on earning capacity for purposes of determining temporary child and spousal support, it is affirmed. To the extent the order also imputed income to Zachary for the same purposes based on the assessed value of his reduced expenses by reason of his living with his mother, it is reversed and the matter remanded for further proceedings consistent with this opinion. The parties are to bear their own costs and attorney fees on appeal. (not published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)

Filed August 15, 2008

Sixth Appellate District

San Jose, California

Friday, August 15, 2008 (continued)

H032399 PEOPLE v. TANOG

The judgment is modified to reduce the penalty assessment on the section 290.3 fine from \$705 to \$675. The trial court is directed to prepare an amended abstract of judgment to reflect this modification and to forward the amended abstract of judgment to the Department of Corrections and Rehabilitation. As so modified, the judgment is affirmed. (not published)  
(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)  
Filed August 15, 2008

H032902 BLOXHAM v. BECK

By the Court:

Appellant's motion to set aside the dismissal order of July 17, 2008, is granted and the appeal is restored to active status. The Santa Cruz County Clerk is directed to recommence record preparation.

Dated: August 15, 2008

RUSHING, P.J.

H032904 BLOXHAM v. BECK

By the Court:

Appellant's motion to set aside the dismissal order of July 17, 2008, is granted and the appeal is restored to active status. The Santa Cruz County Clerk is directed to recommence record preparation.

Dated: August 15, 2008

RUSHING, P.J.